

Alexander Williams jr 1411801632
G.R.V.C.
09-09 hazen Street
Queens, New York 11370

RECEIVED
SDNY PRO SE OFFICE
2021 MAR 22 AM 10:30

Re: Summary Judgement Possible Amendmenet
19-CV-3347 [JLC]

March 12, 2021

UNITED STATES DISTRICT COURT
SOUTHERN DISTRCIT OF NEW YORK
PRO-SE INTAKE UNIT
500 PEARL STREET
NEW YORK NY 10007

DEAR JUDGE JAMES L. COTT

Earlier this wek I sumbitted my response to the defendnst fequest seeking summary judgement.

In their request I realized that they made the ICR status the lcuthe in their legal argument whihe I could not have properly defended myself in regards to because their was not much that I knew in regards to me being ICR and I had pending ART 78 in the courts in this matter.

Today I was called to a Counsel legal visit via computer where I met with a lawyer from the legal aid department by the name of Alexandra Anthony, who informed me that she represeented me in the ART 78 that I filed for in Bronx County Under Index No. 340028/2021

A copy of that articel 78 is enclosed herein thsi letter.

She explained to me that on theree occassions thus far that she has requested the notice that was supposed to be given to me informing me that I am ICR from NYC Dep't of Corrections and on ecah occassion those recordds have not yet been produced.

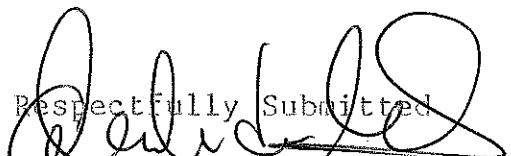
This is now a crucial part in my reply because I did not know That I am become ICR because I was never served any misbehavior reports in regards to introsucing contrand into the facility at all.

Just as in ART 78 100464/2020 the facility and the defendant(s)/respondents somehow came up with an incident or a move thatx I was never informed of , never afforded a hearing and/or given any type of notification in, which I have a right to.

Mrs Anthony explained to me that if this notification isn't produced on the 17th of March that she will ask for the judge in the ART 78 to issue an order removing said status from my institutional records.

I thought that the Court should be abrested in regards to this matter as well as taking this information into to consideration when ruling on the Summary Jdugement and my response to the defendant(s) summary Judgement also.

If the Court sees that i need to ^{amend} amedne my reply before it entertians this I ask that I be sent a copy of my reply as I did not have ti9me to make coipes because of the fact that the facility law libarary was closed on that day due to being shift reduced.


Respectfully Submitted
ALEXANDER WILLIAMS Jr.

SUPREME COURT OF THE STATE OF NEW YORK
BRONX COUNTY

ALEXANDER WILLIAMS JR

PETITIONER,

ORDER TO SHOW CAUSE

INDEX NO. 340028 121

-AGAINST-

WARDEN OF G.R.V.C FACILITY, WARDEN

JEAN H. RENE

RESPONDENT(S),

FOR A JUDGEMENT PURSUANT TO ARTICLE 78
OF THE CIVIL PRACTICE LAW AND RULE

Upon the annexed affidavit in support of an Order to Show Cause of ALEXANDER WILLIAMS JR, verified and sworn to on the day of February 2021, IT IS ORDERED, that the respondent WARDEN JEAN H. RENE, show cause at a Term of this Court, to be held in the county of BRONX NEW YORK on the day of 2021 or soon thereafter as the Commissioner may be heard, why judgement should not be made and entered in this matter pursuant to Article 78 of the Civil Practice Law and rules:

1. VACTING and setting aside the respondents determination that the petitioner is an ICR inamte. (INMATE RECIPIANT CONTRABAND)
2. DIRECTING respondent to IMMEDIATELY REMOVE this classification from the petitioners floor card, institutional card and institutional records.
3. GRANTING such other further relief that the Court may deem just and proper.

ORDERED, that service of a copy of this Order, together with the papers upon which it is granted be deemed sufficient if served upon the respondent by mail from facility mailroom at G.R.V.C. rikers island.

ENTERED:

JUSTICE OF THE SUPREME COURT

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX: EX-PARTE MOTION TERM

IN THE MATTER OF THE APPLICATION OF

ALEXANDER WILLIAMS JR
PETITIONER

-AGAINST-

WARDEN OF G.R.V.C. JEAN H. RENE
RESPONDENT

FOR A JUDGEMENT PURSUANT TO ARTICLE 78
OF THE CIVIL PRACTICE LAW AND RULES

STATE OF NEW YORK)
) SS.:
COUNTY OF QUEENS)

I, ALEXANDER WILLIAMS JR, being duly sworn, deposes and says:

1. I am the petitioner in the above-entitled actions/proceedings.
2. I am making this affidavit in support of my annexed application for an Order to Show Cause pursuant to Article 78 of the Civil Practice Law and Rules which is challenges the respondent named herein determining the petitioner as being ICR in classification.
3. The petitioner was housed at the Manhattan Detention Complex from Jan 2019 until Nov 2020 and while durring this time period was reclassified as being an ICR inmate.
4. That facility is closed now and the petitioner is now detained at the G.R.V.C. facility were the respondent Jean H. Rene is the warden at the time of the filing of this order to Show Cause.
5. Exhibit -A is a grievance where the petitioner grieved the matter that he was reclassified as ICR inmate without being granted a hearing where he could present evidence, witness(es) and legal arguement in support of why he should not have be classified as ICR.
6. It is the petitioners legal arguement that he has the right to due process in the form of a hearing before being reclassified in this matter.

AFFIDAVIT IN SUPPORT
OF
ORDER TO SHOW CAUSE

INDEX NO. 340028 12

7. Since the respondent is the warden in the facility where the petitioner is detained and where this classification is on the petitioners card at this facility then the respondent must be answered to Show Cause as the reason why the petitioner's request for removal of this classification should not be granted if the facility and/or department in its entirety does not have an official record of the petitioner being afforded a hearing in relation to the matter that lead to the reclassification deeming him to be ICR inmate.

8. The petitioner seeks to proceed by Order to Show Cause rather than by notice of Petition because petitioner, being incarcerated, also can not personal service of the papers within the respectfully time and requests that the timely service be deemed sufficient.

9. Petitioner designates Bronx County as the place of Venue.

10. No previous application for relief requested herein has been made.

WHEREFORE, I move by annexed application to proceed as poor person.

FURTHERMORE, petitioner respectfully request that this court enter an Order directing respondent to Show Cause why a judgement should not be made and entered pursuant to ARTICLE 78 of the Civil Practice Law and Rules granting the petitioner the relief sought herein this matter.

DATED: FEBURARY 6 2021
COUNTY OF BRONX

Alexander Williams Jr
RESPECTFULLY SUBMITTED
ALEXANDER WILLIAMS JR
141-180-1632
G.R.V.C.
09-09 HAZEN STREET
QUEENS, NEW YORK 11370

EXHIBIT - A

CITY OF NEW YORK - DEPARTMENT OF CORRECTION		ATTACHMENT - C	CORRECTION DEPARTMENT
OFFICE OF CONSTITUENT AND GRIEVANCE SERVICES		Form.: 7102R	
DISPOSITION FORM		Eff.: 8/23/19	
Ref.: Dir. 3376R-A			
Grievance Reference #: 340530	Date Filed: 09/18/20	Facility: MDC	
Inmate Name: WILLIAMS, ALEXANDER	Book and Case#: 141-18-01632	Category: N/GCLASSIF	
From OCGS Inmate Statement Form, print or type short description of grievance:		Today it was brought to my attention that I have been classed as being an I.R.C. inmate/detainee. I have never been caught with any contraband, nor have I ever received a disciplinary ticket for possession of contraband. I have never been to a I.R.C. Hearing or notified of this before hand and given the opportunity to challenge this.	
Action Requested by Inmate:		A hearing Toi challeheneg I.R.C., where I could present evidence in the matter.	
STEP 1: FORMAL RESOLUTION			
<p>Check one box: <input checked="" type="checkbox"/> Grievance <input checked="" type="checkbox"/> Submission is not subjected to the Grievance Process</p> <p>The Office Of Constituent and Grievance Services proposes to formally resolve your grievance as follows below. Alternatively, OCGS staff shall provide an explanation for why the submission is not subject to the OCGS process. Grievances not subject to the Grievance Process cannot be appealed.</p> <p>On 09/18/20 The OCGS reviewed your complaint and determined that it is not under the purview of OCGS; however it has been forwarded to the Head of the Facility for further review and handling.</p>			
CHECK THE APPROPRIATE BOX BELOW AND PROVIDE YOUR SIGNATURE (Failure to sign forms will forgo your right to appeal the proposed resolution.)			
<input checked="" type="checkbox"/> Yes, I accept the resolution <input type="checkbox"/> No <input checked="" type="checkbox"/> I request to appeal the resolution of this grievance to the Commanding officer.			
<small>Note: If you appeal, the grievance staff can request for a preliminary based review if they feel the complaint was thoroughly investigated and addressed, prior to forwarding to the Commanding Officer. You will receive the outcome of this review within (3) business days to inform you the appeal will proceed or you exhausted administrative remedies. Grievance not subject to the Grievance Process cannot be appealed.</small>			
Inmate's Signature: <i>Allen Williams</i>	Date: 09/21/2020		
<input checked="" type="checkbox"/> Preliminary Review Requested			
Grievance Coordinator/Officer Signature: <i>John Williams #11351</i>	Date: 9/18/20		



CITY OF NEW YORK - DEPARTMENT OF CORRECTION

OFFICE OF CONSTITUENT AND GRIEVANCE SERVICES
INMATE STATEMENT FORMForm #: 7101R
Eff.: 2/26/20
Ref.: Dir. 3376R-A

Inmate's Name: alexander williams jr	Book & Case #: 1411801632	NYSID #:
Facility: M.D.C.	Housing Area: 9 NORTH	Date of Incident: 09/16/2020
Date Submitted: 09/16/2020		

All grievances must be submitted within ten business days after the incident occurred, unless it's a sexual abuse or harassment allegation. The inmate filing the grievance must personally prepare this statement. Upon collection by the Office of Constituent and Grievance Services (OCGS) staff, OCGS staff will time-stamp and issue it a grievance reference number. OCGS staff shall provide the inmate with a copy of this form as a record of receipt.

Grievance:

TODAY IT WAS BROUGHT TO MY ATTENTION THAT I HAVE BEEN CLASSED AS BEING AN I.R.C. INMATE/DETENINNEE. I HAVE NEVER BEEN CAUGHT WITH ANY CONTRABAND, NOR HAVE I EVER RECEIVED A DISPLANARY TICKET FOR POSSESSION OF CONTRABAND. I HAVE NEVER BEEN TO A I.R.C. HEARING OR NOTIFIED OF THIS BEFORE HAND AND GIVEN THE OPPORTUNITY TO CHALLENGE THIS.

Action Requested by Inmate: A HEARING TO CHALLENGE I.R.C., WHERE I COULD PRESENT EVIDENCE IN THE MATTER.

Please read below and check the correct box:

you agree to have your statement edited for clarification by OCGS staff? Yes No

you need the OCGS staff to write the grievance for you? Yes No

have you filed this grievance with a court or other agency? Yes No

you require the assistance of an interpreter? Yes No

Inmate's Signature:

Date of Signature:

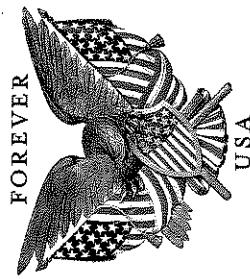
09/17/20

FOR DOC OFFICE USE ONLY

OCGS MUST PROVIDE A COPY OF THIS FORM TO THE INMATE AS A RECORD OF RECEIPT.

THIS FORM IS NOT VALID UNLESS SIGNED BY THE INMATE AND GRIEVANCE COORDINATOR

STAMPS: CONSTITUENT & GRIEVANCE SERVICES RECEIVED: 09/17/2020	Grievance Reference #: 340530	Category: Non-grievable <i>Classification ZER</i>
Office of Constituent and Grievance Services Coordinator/Officer Signature: <i>Constituent 340530</i>		



Alvarado, Lorraine 1411014052
99-09 New St
Dawn NY 11370

RECEIVED
SDNY PRO SE OFFICE
2019 MAR 22 AM 10:25

United States Post Office
Postage Due
Fee \$0.50
New York - NY

100-11370-1411014052
U.S. POSTAGE DUE
100-11370-1411014052